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C O N F I D E N T I A L ISLAMABAD 000604

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KJUS](#) [PK](#)
SUBJECT: PM GILANI RESTORES ALL DEPOSED JUDGES

REF: A. ISLAMABAD 560
[1](#)B. ISLAMABAD 559

Classified By: Anne W. Patterson for reasons 1.4 (b), (d).

[1](#)1. (SBU) Summary: With two March 17 executive orders, Prime Minister Yousuf Gilani restored to the bench deposed Chief Justice Iftikhar Chaudhry and a handful of remaining Supreme Court and provincial High Court judges. These judges had refused (or not been invited) to take a new oath of office under former President-General Pervez Musharraf's provisional constitution order (PCO) of November 3, 2007. Some High Court judges have already resumed office; Chaudhry will return on/about March 22 when current Chief Justice Hameed Dogar retires. End summary.

They're Back

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[1](#)2. (U) Upon the instruction of Prime Minister Yousuf Gilani, Pakistan's federal Law Ministry issued March 17 two executive orders, reinstating the "deposed judges of the Supreme Court and High Courts, including Justice Iftikhar Muhammad Chaudhry." They return to the status they had on November 2, 2007, the day before President-General Musharraf imposed emergency rule and issued an extra-constitutional order.

[1](#)3. (U) In issuing the executive orders, Law Secretary Agha Rafiq clarified that none of the restored judges would be required to take a fresh oath of office. He noted Chaudhry would resume his office on/about March 22, only after current Chief Justice Hameed Dogar officially retires on March 21.

[1](#)4. (U) A total of 10 judges will be restored, four to the Supreme Court, not/not including Chaudhry. (Note: The Chief Justice is a constitutional position and is normally not counted toward the strength of the bench, which is otherwise determined by Pakistani law.) Following the reinstatement, the number of judges on the Court will increase from 21 to 25; Pakistani law allows 29 judges on the bench (again, not counting the Chief Justice).

Reaction

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[1](#)5. (U) Addressing a small public gathering at his residence, Chaudhry proclaimed the "will of the people had prevailed" and "no step will be taken against the Constitution and conscience." Supreme Court Bar Association president Ahmad Kurd promised the restored Chief Justice would not hear any petitions against Musharraf. "The biggest of Pakistan's problems has been resolved, and democracy is on the right track now," opposition Pakistan Muslim League-Nawaz (PML-N)

leader Sharif added.

¶6. (C) Comment: As demonstrated consistently in numerous opinion polls since the judges' removal a year and a half ago, restoration is widely supported in Pakistan. Though the lawyers' movement and opposition political parties, including Nawaz's PML-N, get the lion's share of the credit for their restoration, the PPP's PM Gilani has also helped his popularity ratings by pressing Zardari on the judges' issue (reftels). Whether Gilani will be as successful in effecting constitutional reform to transfer power from the President to the PM, however, remains to be seen. End comment.

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